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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,860	09/30/2003	Stephen R. Whynot	15994RRUS01U (NORT10-0030)	6275
Docket Clerk P.O. Drawer 800889 Dallas, TX 75380			EXAMINER LAZARO, DAVID R	
			ART UNIT 2155	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,860

Applicant(s)

WHYNOT, STEPHEN R.

Examiner

DAVID LAZARO

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the RCE filed 07/10/08.
2. Claims 1, 8-9, 15, 17 and 18 were amended.
3. Claim 16 is canceled.
4. Claims 1-15 and 17-20 are pending in this office action.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/10/08 has been entered.

Response to Amendment

6. Applicant's arguments with respect to claims 1-15 and 17-20 have been considered but are not persuasive. Please see the Response to Arguments. The grounds of rejection have been updated in light of applicant's amendments to the claims.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, 7-8, 10-11, 15, and 17-18. rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,524,137 by Rhee (Rhee) in view of U.S. Patent Application Publication 2004/0236574 by Ativanichayaphong et al. (hereinafter Wilson).

9. With respect to claim 1, Rhee teaches a method for providing multimedia prompting in a communication system, comprising:

providing a first video prompt to a video client, the video prompt associated with a service requested by the video client (Col. 5 lines 4-13: first video clip could be login prompt or video menu prompt);

receiving information from the video client in response to the first video clip (Col. 5 lines 4-19: user enters login information or menu selection which is responsive to the first video clip. Note information that can be input is telephone numbers and the login/password characters); and

providing, in response to at least a portion of the information received from the video client, a second video clip to the video client (Col. 5 lines 4-19: in response to login, video menu prompt is provided, or in response to selected menu selection, corresponding video is returned).

While Rhee teaches a corresponding audio prompt - Col. 5 lines 4-19 and Col. 3 lines 18-31 - Rhee is silent about having a video prompt and an audio prompt in the same multimedia prompt. As such, Rhee does not explicitly disclose providing a first multimedia prompt to a video client with the first multimedia prompt comprising a first video clip and first audio information associated with the first video clip. Rhee also does not explicitly disclose the second video clip includes at least a portion of the information received from the video clip. Wilson teaches an invention that makes use of a multimodal interface for interactive prompts (Page 2 [0016]). The prompts can ultimately be visual, audible or a multimedia prompt that includes both visual and audible parts, with the visual part including video elements (Page 2 [0019]). Wilson also teaches a confirmation video clip can repeat the input received from in response to an initial prompt, i.e. provide a second video clip that includes information received in response to a prompt(In Wilson: page 2 [0021]).

Because both Rhee and Wilson teach forms of interactive prompts and responses to prompts, it would have been obvious to one of ordinary skill in the art to substitute one form for the other to achieve the predictable result of providing user interaction through prompts and responses.

10. With respect to claim 2, Rhee further teaches providing second audio information associated with the second video clip, the second audio information selected in response to at least a portion of the information received from the video client (In Rhee Col. 5 lines 4-19 responsive prompts, note the combination of Rhee and Wilson above

is relied upon to show that the second prompt can include both video and audio - In Rhee page 2 [0019]).

11. With respect to claim 7, Rhee further teaches providing a third video clip requesting confirmation of the information received from the video client (In Wilson: Page 2 [0021]-[0022])

12. With respect to claim 8, Rhee teaches a computer program embodied on a computer readable medium and operable to be executed by a processor, the computer program comprising computer readable program code for:

receiving first information from a video client, the information associated with a service requested by the video client (Col. 3 lines 15-44 and Col. 4 lines 50-63 - receives user call, receives users terminal type);

receiving second information from the video client (Col. 5 lines 4-19: user enters login information or menu selection which is responsive to the first video clip. Note information that can be input is telephone numbers and the login/password characters); and

providing a dynamic multimedia prompt to the video client, at least a portion of the dynamic multimedia prompt selected based at least partially on the first information received from the video client (Col. 4 line 50 to Col. 5 line 19: login prompt/menu selection prompt is based on the user or received user terminal type).

While Rhee teaches a corresponding audio prompt - Col. 5 lines 4-19 and Col. 3 lines 18-31 - Rhee is silent about having a video prompt and an audio prompt in the same multimedia prompt. As such, Rhee does not explicitly disclose the dynamic

multimedia prompt comprising a first video clip and first audio information associated with the first video clip. Rhee also does not explicitly disclose the second video clip includes at least a portion of the information received from the video clip. Wilson teaches an invention that makes use of a multimodal interface for interactive prompts (Page 2 [0016]). The prompts can ultimately be visual, audible or a multimedia prompt that includes both visual and audible parts, with the visual part including video elements (Page 2 [0019]). Wilson also teaches a confirmation video clip can repeat the input received from in response to an initial prompt, i.e. provide a second video clip that includes information received in response to a prompt(In Wilson: page 2 [0021]).

Because both Rhee and Wilson teach forms of interactive prompts and responses to prompts, it would have been obvious to one of ordinary skill in the art to substitute one form for the other to achieve the predictable result of providing user interaction through prompts and responses.

13. With respect to claim 10, Rhee further teaches wherein the first video clip requests the second information from a user of the video client (In Rhee: Col. 5 lines 4-19: user would input telephone numbers for forwarding or broadcasting, also login/password could include numerals) (In Wilson: Page 2 [0021]) and the second video clip displays the second information received from the video client (In Wilson: Page 2 [0021]).

14. With respect to claim 11, Rhee further teaches providing a third video clip requesting confirmation of the second information received from the video client (In Wilson: Page 2 [0021]-[0022]).

15. With respect to claim 15, Rhee teaches an apparatus for multimedia prompting, comprising:

a memory operable to store a plurality of video clips, at least some of the video clips associated with one or more services (Col. 2 lines 56-67: multi-media messaging system includes storage used by storage processor to retrieve video prompts); ; and

one or more processors (Col. 2 lines 49-67) collectively operable to:

receive first information from a video client, the first information associated with one of the services that is requested by the video client (Col. 3 lines 15-44 and Col. 4 lines 50-63 - receives user call, receives users terminal type);

receive second information from the video client (Col. 5 lines 4-19: user enters login information or menu selection which is responsive to the first video clip. Note information that can be input is telephone numbers and the login/password characters); and

provide a dynamic multimedia prompt to the video client, the dynamic multimedia prompt comprising a first video clip and a second video clip, the first video clip selected based at least partially on the information received from the video client (Col. 5 lines 4-19: in response to login, video menu prompt is provided, or in response to selected menu selection, corresponding video is returned).

While Rhee teaches a corresponding audio prompt - Col. 5 lines 4-19 and Col. 3 lines 18-31 - Rhee is silent about having a video prompt and an audio prompt in the same multimedia prompt. As such, Rhee does not explicitly disclose the dynamic multimedia prompt comprising a first video clip and first audio information associated

with the first video clip. Rhee also does not explicitly disclose the second video clip includes at least a portion of the information received from the video clip. Wilson teaches an invention that makes use of a multimodal interface for interactive prompts (Page 2 [0016]). The prompts can ultimately be visual, audible or a multimedia prompt that includes both visual and audible parts, with the visual part including video elements (Page 2 [0019]). Wilson also teaches a confirmation video clip can repeat the input received from in response to an initial prompt, i.e. provide a second video clip that includes information received in response to a prompt(In Wilson: page 2 [0021]).

Because both Rhee and Wilson teach forms of interactive prompts and responses to prompts, it would have been obvious to one of ordinary skill in the art to substitute one form for the other to achieve the predictable result of providing user interaction through prompts and responses.

16. With respect to claim 17, Rhee further teaches the first video clip requests the second information from a user of the video client (In Rhee: Col. 5 lines 4-19: user would input telephone numbers for forwarding or broadcasting, also login/password could include numerals) (In Wilson: Page 2 [0021]); the second video clip displays the second information received from the video client (In Wilson: Page 2 [0021]); and the one or more processors are further collectively operable to provide a third video clip requesting confirmation of the second information received from the video client (In Wilson: Page 2 [0021]-[0022]).

17. With respect to claim 18, Rhee further teaches the one or more processors are collectively operable to provide the dynamic multimedia prompt to the video client by

providing second audio information associated with the second video clip; the second audio information including at least a portion of second information received from the video client (In Rhee Col. 5 lines 4-19 note the combination of Rhee and Wilson above is relied upon to show that the second prompt can include both video and audio and for including at least a portion of information received - In Rhee page 2 [0019]).

18. Claims 3, 4, 12-14, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhee in view of Wilson and in further view of U.S. Patent 6,201,562 by Lor (Lor).

19. With respect to claim 3, Rhee in view of Wilson teaches all the limitations of claim 2, but does not explicitly disclose negotiating with the video client to identify one or more CODECS to be used to communicate with the video client.

Lor teaches that communications involving video clients can include a negotiation for the CODECS related to audio and video to be used for a particular session (Col. 8 lines 17-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Rhee in view of Wilson and modify it as indicated by Lor such that it further comprises negotiating with the video client to identify one or more CODECS to be used to communicate with the video client. One would be motivated to have this, as it is typically a part of communication protocols related to video client devices, such as a video phone (In Lor: Col. 8 lines 17-28 and IN Rhee: Col. 21 lines 14-29).

20. With respect to claim 4, Rhee in view of Wilson further teaches the audio information and the video clips are each compressed using one or more CODECs (In Lor Col. 8 lines 17-28 and col. 10 lines 18-28); and negotiating with the video client comprises determining whether the video client supports one or more of the CODECs used to compress the audio information and the video clips (In Lor Col. 8 lines 17-28).

21. With respect to claim 12, Rhee in view of Wilson teaches all the limitations of claim 8, but does not explicitly disclose negotiating with the video client to identify one or more CODECs to be used to communicate with the video client.

Lor teaches that communications involving video clients can include a negotiation for the CODECS related to audio and video to be used for a particular session (Col. 8 lines 17-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the program disclosed by Rhee in view of Wilson and modify it as indicated by Lor such that it further comprises computer readable program code for negotiating with the video client to identify one or more CODECs to be used to communicate with the video client. One would be motivated to have this, as it is typically a part of communication protocols related to video client devices, such as a video phone (In Lor: Col. 8 lines 17-28 and IN Rhee: Col. 21 lines 14-29).

22. With respect to claim 13, Rhee in view of Wilson further teaches the multimedia prompt comprises a plurality of video clips each compressed using one or more CODECs (In Lor Col. 8 lines 17-28 and col. 10 lines 18-28); and the computer readable program code for negotiating with the video client comprises computer readable

program code for determining whether the video client supports one or more of the CODECs used to compress the video clips (In Lor Col. 8 lines 17-28).

23. With respect to claim 14, Rhee in view of Wilson further teaches wherein the computer readable program code for determining whether the video client supports one or more of the CODECs used to compress the video clips comprises computer readable program code for determining whether one or more preferred CODECs were used to compress the video clips (In Lor Col. 8 lines 17-28 and col. 10 lines 18-28: negotiations are for preferable codecs based on available bandwidth).

24. With respect to claim 19, Rhee in view of Wilson teaches all the limitations of claim 18, but does not explicitly disclose wherein the one or more processors are further collectively operable to negotiate with the video client to identify one or more CODECs to be used to communicate with the video client.

Lor teaches that communications involving video clients can include a negotiation for the CODECS related to audio and video to be used for a particular session (Col. 8 lines 17-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Rhee in view of Wilson and modify it as indicated by Lor such that it further comprises wherein the one or more processors are further collectively operable to negotiate with the video client to identify one or more CODECs to be used to communicate with the video client. One would be motivated to have this, as it is typically a part of communication protocols related to

video client devices, such as a video phone (In Lor: Col. 8 lines 17-28 and IN Rhee: Col. 21 lines 14-29).

25. With respect to claim 20, Rhee in view of Wilson further teaches the audio information and the video clips are each compressed using one or more CODECs (In Lor Col. 8 lines 17-28 and col. 10 lines 18-28); and the one or more processors are collectively operable to negotiate with the video client by determining whether the video client supports one or more of the CODECs used to compress the audio information and the video clips (In Lor Col. 8 lines 17-28).

26. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhee in view of Wilson and in further view of U.S. Patent 6,259,469 by Ejima et al. (Ejima).

27. With respect to claim 5, Rhee in view of Wilson teaches all the limitations of claim 1, and further teaches the information received from the video client comprises a plurality of numerals (In Rhee: Col. 5 lines 4-19: user would input telephone numbers for forwarding or broadcasting, also login/password could include numerals) and that a confirmation prompt can repeat the input received from the previous prompt (In Wilson: Page 2 [0021]).

Rhee in view of Wilson does not explicitly disclose the second video clip comprises a plurality of second video clips each displaying one of the numerals. Ejima teaches a plurality of video clips each displaying a numeral from a telephone number entered by a user (Col. 16, lines 8-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Rhee in view of Wilson and modify it as indicated by Ejima such that it further comprises the second video clip comprises a plurality of second video clips each displaying one of the numerals. One would be motivated to have this, as it is desirable to provide a confirmation of an entered number to the user (In Ejima: Col. 16 lines 8-17).

28. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhee in view of Wilson and in further view of U.S. Patent Application Publication 2003/0232245 by Turak et al. (Turak).

29. With respect to claim 6, Rhee in view of Wilson teaches all the limitations of claim 1, but does not explicitly disclose wherein the first video clip comprises a video clip of a person requesting the information and a video clip of the person waiting for the information.

Turak teaches a video prompt can include a person asking the question (Page 2 [0023]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method disclosed by Rhee in view of Wilson and modify it as indicated by Turak such that it further comprises wherein the first video clip comprises a video clip of a person requesting the information and a video clip of the person waiting for the information. One would be motivated to have this, as it provides

a design alternative to the typical presentation of a question through an interface (In Turak: Page 2 [0023]).

30. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rhee in view of Wilson and in further view of U.S. Patent Application 2003/0232245 by Turak et al. (Turak).

31. With respect to claim 9, Rhee in view of Wilson teaches generically the use of any type of video prompt, Rhee in view of Wilson does not explicitly disclose that the first and second video clip includes an image of a person.

Turak teaches that a video can include an image of a person ([0018], [0020], [0022]).

It would have been obvious to one of ordinary skill in the art to have the first and second video clips of Rhee in view of Wilson include an image of a person as taught by Turak. Using a known content of video such as an image of a person to convey a video prompt as desired by Rhee in view of Wilson would have been obvious to one of ordinary skill in the art.

Response to Arguments

32. Applicant's arguments filed 07/10/2008 have been fully considered but they are not persuasive.

33. Applicant argues on pages 10-11 - *"Thus the main thrust of Rhee is directed to changing communication formats for stored messages - not multimedia prompting as described in Applicant's specification"*

a. Examiner's response - While applicant's specification is taken into consideration in interpreting the claims, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claimed subject matter is the main concern, and the examiner asserts that the teachings of Rhee are relevant to the claimed subject matter as presented in the grounds of rejection regardless of whatever the main thrust of Rhee is directed towards.

34. Applicant argues on pages 11-12 that Rhee does not teach *"information received from a video client in response to a first video clip is provided in a second video clip back to the user of the video client (such as for confirmation or verification purposes). Moreover, Rhee does not disclose or teach a prompt also including audio information associated with the first video clip."*

b. Examiner's response - The grounds of rejection recognizes these deficiencies of Rhee and provides teachings from Wilson to show that such deficiencies are rendered obvious in combination.

35. Applicant argues on page 12 of the remarks - *"Similarly, Wilson does not disclose dynamic prompts having both a video clip and associated audio information. Wilson*

appears to utilize only visual prompts in response to speech input to confirm the speech input. Wilson, Abstract, Figure 1."

- c. Examiner's response - Wilson explicitly states in paragraph [0019], "The prompt 115 can include a visual message, an audible message, or **both a visual and an audible message**". Clearly Wilson does not utilize only visual prompts as argued by applicant.
- d. Note further that Wilson teaches a confirmation prompt that provides information received in response to a first prompt in a second video clip back to the user ([0021]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID LAZARO whose telephone number is (571)272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Lazaro/
Primary Examiner, Art Unit 2155
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